

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO 91-166

AMENDING CEASE AND DESIST ORDER NO 88-174

RHONE-POULENC BASIC CHEMICALS COMPANY
MARTINEZ, CONTRA COSTA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (herein called the Board) finds that:

1. Rhone-Poulenc Basic Chemicals Co. (herein called the discharger) owns a Class I disposal site subject to the Toxic Pits Cleanup Act of 1984, located adjacent to the Carquinez Straight in the town of Martinez, in Contra Costa County.
2. Two lined surface impoundments, designated as evaporation pond 1 and 2 occupy an area of 11 acres and were used to store extracted low pH groundwater containing zinc and other heavy metals which leached from buried cinders and slag wastes. The two areas of buried mineral wastes are known respectively as the north and south ore bodies. The south ore body is located on land owned by the discharger, whereas the north ore body is located on land owned by the State of California, and managed by the State Lands Commission.
3. These two surface impoundments contain liquid hazardous wastes produced by pumping contaminated groundwater out of the ore bodies. As part of the Board approved closure, the discharger constructed a metals recovery plant to treat the pond wastes.
4. The Board adopted a Cease and Desist Order No. 88-174 on December 21, 1988, requiring in accordance with the requirements of TPCA, that the discharger cease placing or storing liquid hazardous wastes or hazardous wastes containing free liquids into the two surface impoundments by June 1, 1991, and close the impoundments by December 31, 1991. The discharger has failed to meet the June 1, 1991 and will not meet the December 31, 1991 deadline, due to unforeseen technical and permitting problems.
5. Closure of the ponds will be accomplished by continuing to resolubilize and reclaim the metals from the sludges until the concentrations are below hazardous or practical leachable levels. If the practical leachable levels are above the hazardous waste levels, the discharger will be required to further remediate the sludge by other means until the nonhazardous waste levels are achieved. The discharger

encountered numerous problems with the handling of the sludges and the operation of the reclaiming operation. Most problems have been diligently and successfully resolved. To date the equivalent of about 470,000 pounds of elemental zinc have been recovered from pond wastes and about 1.8 million pounds of zinc/iron sulfate product have been produced for sale as a fertilizer.

6. The discharger has constructed and is operating a metals recovery and acid neutralization plant used to treat and process the pond wastes as described in Finding 5. A significant remaining problem is disposal of the treated wastewater stream generated by the metals recovery operation. This wastewater stream contains up to 12% sodium sulfate and, therefore, cannot be discharged via the existing shallow water outfall due to potential salinity impacts on the receiving waters. Reclaiming operations had to be slowed down due to limitation of the storage capacity for the wastewater stream, which is recycled in the leaching operation. The discharger plans to construct a new deep water outfall to replace the current outfall. It is anticipated that a new deep water outfall will allow the controlled discharge of sodium sulfate in an environmentally acceptable manner, under a new NPDES permit to be issued by the Board. Full capacity operation to continue pond closure can recommence after a deep water outfall is constructed and the waste stream in pond 1 can be decanted at a controlled rate.
7. Pursuant to the California Environmental Quality Act, the discharger has prepared an "Initial Study" for submittal to the State Lands Commission, designated as the lead agency and the Department of Fish and Game, the U.S. Army Corps of Engineers, the Bay Conservation and Development Commission and this Board, to obtain the necessary permits for construction of the deep water outfall and wastewater discharge. Construction and operation of the deep water outfall will commence as soon as all approvals are obtained.
8. Issuance of the amended Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2 1000, et. seq.) in accordance with Section 15321, Chapter 3, Title 14 of the California Code of Regulations because this is an enforcement action of a regulatory agency.
9. The discharger submitted a Report of Waste Discharge on January 29, 1990, to supplement the requirements of the Hydrogeologic Assessment Report (HAR), meeting the requirements of Section 25208.8 of the Health and Safety Code.
10. The Board has notified the discharger and interested agencies and persons of its intent to issue this Amended Order and has

provided them with the opportunity for a public hearing and to submit their written views and recommendations.

11. The Board in a public hearing, heard and considered all comments pertaining to this matter.

IT IS HEREBY ORDERED, pursuant to Section 13301 of the California Water Code, that Rhone Poulenc Basic Chemicals Co., Martinez facility, Cease and Desist from violating the Toxic Pits Cleanup Act of 1984 as follows:


1. Close all hazardous waste surface impoundments at the facility pursuant to a closure plan approved by the Board. Closure is defined in Section 25208.2(d) of the California Health and Safety Code, and the closure plan shall be in accordance with Section 2597 of Chapter 15, Division 3, Title 23, California Code of Regulations.
2. Achieve TPCA compliance by December 30, 1994, by submitting technical reports acceptable to the Executive Officer documenting completion of work as detailed below.

Activity

Compliance &
Rept. Date

1. Present an alternate remedial strategy to achieve non-hazardous levels, if continuing processing of contaminated sludges does not achieve non-hazardous levels.
 2. Commence operation of the deep water outfall 04/01/92
 3. Describe the results of monitoring of the initial deepwater discharge 05/01/92
 4. Empty liquids from both ponds via the deepwater outfall and comply with cessation of discharge 04/01/94
 5. Develop a Pond Closure Plan 03/01/94
 6. Complete pond closure in accordance with the approved closure plan 12/30/94
 7. Prepare a final closure report 04/01/95
3. In the event that one or more of the dates set out above can not be met due to circumstances beyond the control of the discharger, immediately notify the Board in writing of the circumstances that cause the compliance date to be missed, and provide a proposal for correction.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional water Quality Control Board, San Francisco Bay Region, on November 20, 1991.


Steven R. Ritchie
Executive Officer

